

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Ashley A. Parry, Rosalina M. Naida,
Monica F. Leone, and Maria E. Nagle,
Individually, and on Behalf of All Others
Similarly Situated,

Plaintiffs,

vs.

Westlake Bistro Group, Inc., an Ohio
Corporation, West 6th St. Partners, Inc.,
an Ohio Corporation, Thomas Culkar,
Molly Culkar, and Joseph Hanna,

Defendants.

No. 1:15-cv-00114-SO

(Assigned to the Honorable Solomon
Oliver, Jr.)

**PLAINTIFFS' MOTION TO SHOW
CAUSE AND MOTION FOR
ATTORNEY FEES**

Now comes Plaintiffs, by and through Counsel, and hereby moves this Honorable Court to issue an order requiring Defendant, Thomas Culkar, to show cause as to why they should not be held in contempt of this Court's order dated August 24, 2017. (Doc. #65).

This matter originated before the Court as a claim for failure to pay proper minimum wages and overtime under the Fair Labor Standards Act ("FLSA"). On August 24, 2017, the parties entered into a stipulated dismissal of Defendant Culkar pursuant to the term of the parties' Settlement Agreement. The Court reserved jurisdiction over the enforcement of the parties' Settlement Agreement.

1 Defendant Culkar has altogether failed to adhere to payment terms contained in
2 the parties' settlement agreement. (See Declaration of James L. Simon attached hereto).
3 To date, Defendant Culkar has paid **nothing** and he is delinquent on his payments.

4
5 **Wherefore**, Plaintiffs respectfully request that Defendant Culkar be found in
6 contempt of the Court's order dated August 24, 2017. Plaintiffs further requests that
7 the Court issue an order requiring Defendant Culkar to pay all of the reasonable
8 attorney fees and costs incurred in the prosecution of this matter along with interest
9 on all unpaid funds at the maximum rate allowed by law.

10
11 RESPECTFULLY SUBMITTED this 2nd day of November, 2017.

12
13 By: /s/ James L. Simon
14 James L. Simon (OH# 0089483)
15 Law Offices of Andrew J. Simon
16 6000 Freedom Square Drive
17 Freedom Square II - Suite 165
18 Independence, Ohio 44131
19 Telephone: (216) 525-8890
20 Facsimile: (216) 642-5814
21 Email: jameslsimonlaw@yahoo.com

22 By: /s/ Clifford P. Bendau, II
23 Clifford P. Bendau, II (OH# 0089601)
24 THE BENDAU LAW FIRM PLLC
25 P.O. Box 97066
26 Phoenix, Arizona 85060
27 Telephone AZ: (480) 382-5176
Telephone OH: (216) 395-4226
Facsimile: (602) 956-1409
Email: cliffordbendau@bendaulaw.com

Attorneys for Plaintiff

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Certificate of Service

I certify that on this 2nd day of November 2017, I electronically transmitted the attached document to the Clerk’s Office using the CM/ECF system for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF upon all necessary parties.

/s/ James L. Simon